

LEON COUNTY ORDINANCE NO. _____

AN ORDINANCE AMENDING LEON COUNTY ORDINANCE NO. 92-11 TO PROVIDE FOR A CHANGE IN ZONE CLASSIFICATION FROM RP RESIDENTIAL PRESERVATION AND R-1 SINGLE FAMILY DETACHED RESIDENTIAL ZONING DISTRICT TO PUD-24 WESTMINSTER OAKS PLANNED UNIT DEVELOPMENT ZONING DISTRICT AND AMENDING THE CONCEPT PLAN FOR PUD-24 WESTMINSTER OAKS PLANNED UNIT DEVELOPMENT ZONING DISTRICT ESTABLISHING PERMITTED USES, DEVELOPMENT INTENSITIES, BUILDING, SITE DESIGN, ACCESS, AND OTHER DEVELOPMENT STANDARDS FOR THAT PLANNED UNIT DEVELOPMENT, IN LEON COUNTY, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA:

SECTION 1: That the Westminster Oaks Planned Unit Development Concept Plan, as amended and approved by the Board of County Commissioners on the 26th day of August, 1975, by adoption of Leon County Ordinance No. 75-29, is hereby amended which is further described below as follows:

Amend the Planned Unit Development and its associated Concept Plan to allow:

- 1) a change in land area from approximately 96 acres \pm to approximately 114.5 acres \pm , equivalent to an increase of approximately 18.5 acres \pm ;
- 2) a change in allowed total number of residential dwelling units from 866 to 1200;
- 3) a modification of Planned Unit Development Concept Plan map, reflecting a change in land use components/authorized development from the present Concept Plan authorizing a central core building (with recreation facilities, administrative offices, dining facilities, and an infirmary); a maintenance and storage building; 325 mid-rise apartments; 110 garden apartments; 121 attached villa dwelling units; and, 44 detached villa dwelling units; to 180 skilled nursing units and administrative use; 100 assisted living units; 704 mid-rise units; 110 garden apartments; 42 attached villas; 64 detached villas; 1.1 acres \pm of recreation area;

- 1 31.5 acres ± of open space; 10.8 acres ± of access road easements; and 6.1 acres ±
2 of stormwater management facilities;
- 3 4) the modification of the PUD Transportation Circulation Plan (map), including the
4 addition of an emergency vehicular access to Miccosukee Road and closure of
5 three other existing driveway connections to Miccosukee Road;
- 6 5) the modification of the development standards for the PUD, including standards
7 for height, property-line setbacks, building separation standards, landscaping and,
8 buffering standards;
- 9 6) the establishment of standards for stormwater management; street design and
10 maintenance; and internal lighting; and,
- 11 7) procedural standards and thresholds for review of future modification and
12 deviation of adopted Concept Plan standards.

13
14 This amended Concept Plan shall govern the development of the site as described
15 in Section 2, below.

16
17 **SECTION 2.** The Official Zoning Map as adopted in Leon County Ordinance

18 No. 92-11 is hereby amended as it pertains to the following described real property:

19
20 RZ-370: From RP Residential Preservation and R-1 Single Family Detached
21 Residential Zoning District To PUD-24 Westminster Oaks Planned Unit
22 Development Zoning District:

23
24 COMMENCE at the Southwest corner of Section 14, Township 1 North,
25 Range 1 East, Leon County, Florida, thence run East 33.00 feet to the Easterly right-of-
26 way boundary of Dempsey Mayo Road (State Road No. S-146-B) for the POINT OF
27 BEGINNING; from said POINT OF BEGINNING thence run North 00 degrees 48
28 minutes 41 seconds West along said right-of-way boundary and along a line 33.0 feet
29 East of and parallel to the West boundary of said Section 14, a distance of 577.62 feet to
30 the Southerly right-of-way boundary of Miccosukee Road (State Road No. S-146), thence
31 North 64 degrees 18 minutes 07 seconds East along said right-of-way boundary 355.54
32 feet, thence North 66 degrees 24 minutes 06 seconds East along said right-of-way
33 boundary 314.23 feet, thence leaving said right-of-way boundary run South 24 degrees
34 26 minutes 51 seconds East 632.57 feet, thence North 60 degrees 59 minutes 24 seconds
35 East 349.75 feet, thence North 17 degrees 40 minutes 03 seconds West 595.90 feet to said
36 Southerly right-of-way boundary of Miccosukee Road, thence along said right-of-way
37 boundary run North 67 degrees 40 minutes 32 seconds East 1053.37 feet, thence along
38 said right-of-way boundary run North 67 degrees 13 minutes 55 seconds East 865.73 feet,
39 thence leaving said right-of-way boundary run South 22 degrees 39 minutes 18 seconds
40 East 720.78 feet, thence South 67 degrees 24 minutes 41 seconds West 865.66 feet,
41 thence South 22 degrees 39 minutes 37 seconds East 258.39 feet, thence South 22
42 degrees 35 minutes 31 seconds East 868.32 feet, thence South 67 degrees 27 minutes 47
43 seconds West 2870.79 feet to the Easterly right-of-way boundary of Dempsey Mayo
44 Road, thence North 00 degrees 48 minutes 41 seconds West 1384.01 feet along said

- 1 *Land Development Code* in effect at the time of final (site and development) plan
2 application are met.”
- 3 11. The stormwater management standards of the Concept Plan (booklet) shall be revised
4 to specify that: “After construction of the development, there shall be no increase in
5 stormwater runoff rate “*and volume*” to the Hillwood Subdivision.”
- 6 12. The Concept Plan (map - Figure 8) shall be revised to indicate the correct acreage of
7 land within the PUD to be developed with Mid-Rise Apartments.
- 8 13. The legend of Utilities Plan included in the Concept Plan booklet (Figure 9) shall be
9 revised to illustrate proposed force mains as solid (pink) lines.
- 10 14. The Existing Conditions Map included in the Concept Plan booklet (Figure 10) shall
11 be revised to delete the acreage listed on the map under the area labeled “④” (soil No.
12 4).
- 13 15. The application shall be revised to provide an alternative way to distinguish and
14 describe the “additional 14.30 acre parcel” adjacent to the Hillwood Subdivision,
15 where more rigorous development standards apply. The applicant should distinguish
16 the affected area through its designation as a specific component on the Concept Plan
17 (map).
- 18 16. The concept plan map and circulation plan may be revised to include an emergency
19 vehicle entrance and temporary access to the existing residential structure within the
20 Mid-Rise Component. Such entrance, if provided, shall be located at entrance #3.
21 Disturbance to the canopy area around this entrance shall be limited to the minimum
22 necessary to accommodate emergency service access (excluding fire service
23 vehicles), as approved by the Department of Public Works. Such emergency
24 entrance, if provided, shall utilize a controlled access mechanism. Entrances #1 and
25 #4 shall be closed and reforested immediately and entrance #2 shall be closed upon
26 completion of construction activities authorized in this Concept Plan. The County
27 Right-of-way Superintendent shall approve the reforestation plan.
- 28 17. The PUD concept plan shall be revised to state, “The existing residential dwelling
29 unit located within the Mid-Rise Component shall remain a permissible land use
30 within the Mid-Rise Component until such time as the structure is abandoned and/or
31 the component is built out.”
- 32

33 **SECTION 4.** All Ordinance or parts of Ordinance in conflict with the provisions
34 of this ordinance are hereby repealed to the extent of such conflict, except to the extent of
35 any conflicts with the Tallahassee-Leon County Comprehensive Plan as amended, which
36 provisions shall prevail over any parts of this Ordinance which are inconsistent, either in
37 whole or in part, with the said Comprehensive Plan.

1 **SECTION 5.** If any word, phrase, clause, section or portion of this Ordinance
2 shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion
3 or words shall be deemed as a separate, distinct and independent provision and such
4 holding shall not affect the validity of the remaining portions thereof.

5 **SECTION 6.** This Ordinance shall become effective as provided by law.

6
7 DULY PASSED AND ADOPTED by the Board of County Commissioners of
8 Leon County, Florida, on this 26th day of August, 2003.

9
10 LEON COUNTY, FLORIDA

11
12
13 BY: _____
14 TONY GRIPPA, CHAIRMAN
15 BOARD OF COUNTY COMMISSIONERS

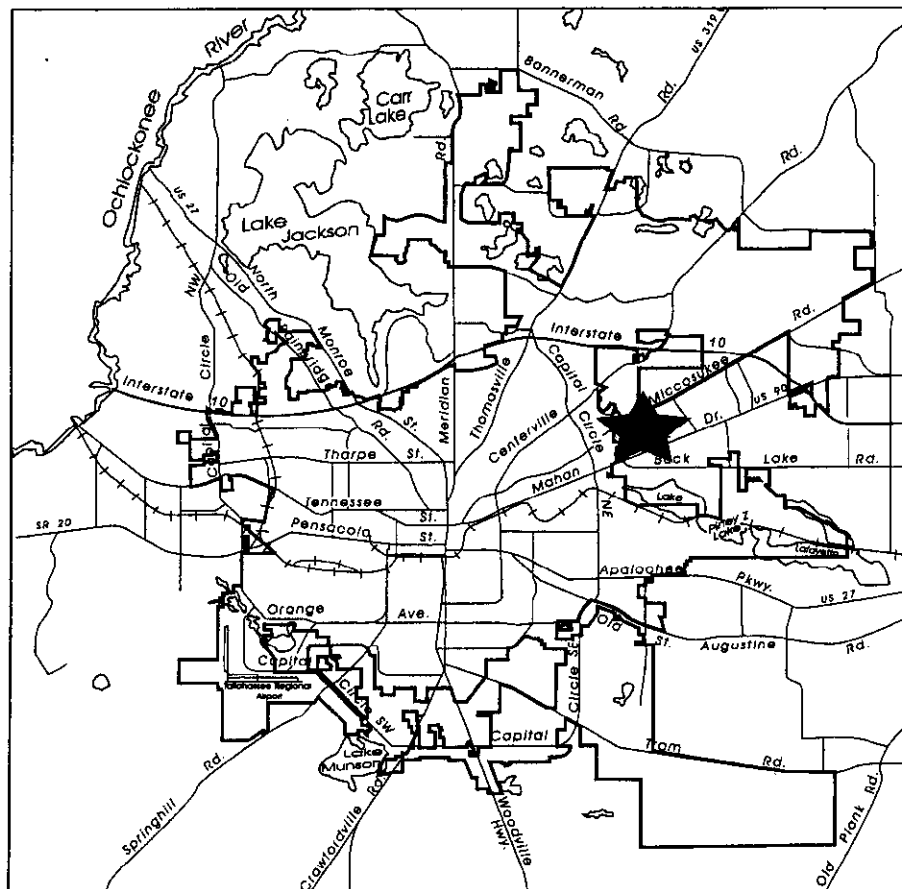
16
17 ATTESTED BY:
18 Bob Inzer, Clerk Of The Court

19
20
21 BY: _____
22 CLERK

23
24
25 APPROVED AS TO FORM:
26 ATTORNEY'S OFFICE
27 LEON COUNTY, FLORIDA

28
29
30 BY: _____
31 HERBERT W.A. THIELE, ESQ.
32 COUNTY ATTORNEY

Attachment # 2
Page 1 of 1



November 13, 2002 City Limits

GENERAL LOCATION MAP

LAND DEVELOPMENT CODE

§ 10-920

For residential preservation areas outside the urban service area the density of the nonvested development in residential preservation areas shall be consistent with the underlying land use category: no more than one unit per ten acres in the rural category; no more than one dwelling unit per three acres or one dwelling unit per acre if clustered on 25 percent of the site in the urban fringe category.

Allowable density and development type in the residential preservation zoning district shall be consistent with any and all existing residential development patterns within the adjacent portions of the affected residential preservation zoning district.

New residential development densities shall be consistent with those within the developed portions of the recorded or unrecorded subdivision in which they are located.

When new residential development is proposed for an area not located within a recorded or unrecorded subdivision, densities shall be permitted in the range of zero to six dwelling units per acre and shall be further limited to a density of no greater than 25 percent more than that of the densest residential land development contiguous to the proposed development. Or, in the case of no existing contiguous residential development, the proposed development shall be limited to a density of no greater than 25 percent more than that of the densest residential land development currently existing within one-quarter mile. For purposes of this section, the density of existing residential development shall mean the net density of the residential development within one-quarter mile of the development.

Allowable development type shall be construed to mean number of units (single-family vs. duplex) and permitting type (conventional—building code or DCA approved vs. mobile home/manufactured home—DHSMV approved). Areas proposed for residential development surrounded entirely by single-family residences shall only be developed for single-family residences; areas proposed for residential development surrounded entirely by duplex residences may only be developed for duplex residences; areas proposed for residential development surrounded by a mixture of single-family

Sec. 10-920. Residential preservation.

(a) *Purpose and intent.* The residential preservation district is characterized by existing homogeneous residential areas within the community predominantly accessible by local streets. The primary function is to protect existing stable and viable residential areas from incompatible land uses and density intrusions. Commercial, retail, office, and industrial activities are prohibited. (Certain nonresidential activities may be permitted as home occupations. See division 8, supplementary regulations.) Single-family, duplex residences, mobile homes, and cluster housing may be permitted within a range of zero to six units per acre. Compatibility with surrounding residential type and density shall be a major factor in the authorization of development approval and in the determination of the permissible density.

and duplex development may be developed for single-family use only, unless duplex residential development is the predominant type.

The placement of new mobile homes/manufactured homes shall be allowed in existing mobile home parks of public record, existing subdivisions platted explicitly for the purposes of allowing either mobile homes or mobile homes and conventional single-family homes, or as replacement of any lawfully existing mobile home on public record. The establishment of new mobile home/manufactured home parks shall be consistent with the requirements set forth in section 10-1105 of this article.

(b) *Allowable uses.* For the purpose of this article, the following land use types are allowable in the RP zoning district and are controlled by the land use development standards of this article, the comprehensive plan and schedules of permitted uses.

- (1) Low-density residential.
- (2) Passive recreation.
- (3) Active recreation.
- (4) Community services.
- (5) Light infrastructure.

(c) *List of permitted uses.* See schedules of permitted uses, section 10-1210. Some of the uses on these schedules are itemized according to the Standard Industrial Code (SIC). Proposed activities and uses are indicated in the schedules. The activity or use may be classified as permitted, restricted or permitted through exception, or not allowed.

(d) *Development standards.* All proposed development shall meet the buffer zone standards (section 10-923).

(Ord. No. 92-10, § 2(4.10), 3-10-92; Ord. No. 94-6, § 4, 3-15-94)

LAND DEVELOPMENT CODE

§ 10-1210

Sec. 10-1210. Residential preservation district.

Allowable uses, appropriate permit level and applicable development and locational standards in the residential preservation district are as follows:

P = Permitted use

R = Restricted use

S = Special exception

Legend	
LR = Low-density residential	CS = Community services
PR = Passive recreation	LI = Light infrastructure
AR = Active recreation	

SIC Code	Name of Use	Development and Locational Standards				
		LR	PR	AR	CS	LI
	RESIDENTIAL					
	Dwelling, one-family	P				
	Dwelling, two-family	R				
	Dwelling, mobile home	P				
	Mobile home park	S				
	SERVICES					
	Elementary and secondary schools				S	
	Religious organizations				S	
	PUBLIC ADMINISTRATION					
922	Public order and safety				S	
9221	Police protection				S	
9224	Fire protection				S	
	RECREATION					
	Hiking and nature trails		P			
	Picnicking		P			
	Canoe trails		P			
	Bicycle trails		P			
	Horseback riding trails		P			
	Tot lots			P		
	Court sports			P		
	Field sports			P		

Placement of new mobile homes are limited to the following areas: existing mobile home parks; and platted mobile home subdivisions. New mobile homes shall also be allowed as replacements of lawfully existing mobile homes in other locations. New mobile home parks may be established as per the provisions set forth in section 10-1105.

For further information regarding appropriate minimum development standards, see division 5, section 10-920.

(Ord. No. 92-10, § 2(11.10), 3-10-92)

Section 10-1214. R-1 Single-Family Detached Residential District.

as revised and adopted on 7/8/97 (County)

PERMITTED USES											
1. District Intent		2. Principal Uses									
The R-1 district is intended to be located in areas designated Mixed Use-A, B, or C on the Future Land Use Map of the Comprehensive Plan which exhibit a predominant existing development pattern of residential, single-family detached housing with development standards similar to the development standards of the R-1 district. The maximum gross density allowed for new residential development in the R-1 district is 3.63 dwelling units per acre. Certain community and recreational facilities related to residential uses are also permitted.		(1) Community facilities related to residential uses including religious facilities, police/fire stations, and elementary and middle schools. New libraries, vocational, and high schools are prohibited. Expansion of existing libraries, vocational, and high schools is allowed. Other community facilities may be allowed in accordance with Section 10-1104 of these regulations. (2) Golf courses. (3) Passive and active recreational facilities. (4) Single-family detached dwellings.									
3. Accessory Uses		(1) A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the County Administrator or designee. (2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the County Administrator or designee.									
DEVELOPMENT STANDARDS											
4. Minimum Lot or Site Size		5. Minimum Building Setbacks			6. Maximum Building Restrictions			b. Building Height			
Use Category	a. Lot or Site Area	b. Lot Width	c. Lot Depth	a. Front	b. Side-Interior Lot	c. Side-Corner Lot	d. Rear	a. Building Size (excluding gross building floor area used for parking)	(excluding stories used for parking)	3 stories	
Single-Family Detached Dwellings	12,000 square feet	80 feet	100 feet	25 feet	7.5 feet on each side; or any combination of setbacks that equals at least 15 feet, provided that no such setback shall be less than 5 feet	15 feet	25 feet	not applicable			
Any Permitted Principal Non-Residential Uses	24,000 square feet	100 feet	100 feet	25 feet	7.5 feet on each side; or any combination of setbacks that equals at least 15 feet, provided that no such setback shall be less than 5 feet	15 feet	25 feet	10,000 square feet of gross building floor area per acre		3 stories	

GENERAL NOTES:

1. If central sanitary sewer is not available, residential development is limited to a minimum of 0.50 acre lots and non-residential development is limited to a maximum of 2,500 square feet of building area. Community service facilities are limited to a maximum of 5,000 square feet of building area or a 500 gallon septic tank. Also, refer to Sanitary Sewer Policies 3.1.6. and 3.1.7. of the Comprehensive Plan for additional requirements.
2. Refer to the Environmental Management Act (EMA) for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.
3. Refer to the Concurrence Management Ordinance for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).

Attachment #

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of

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HILLWOOD HOMEOWNERS ASSOCIATION

May 6, 2003

Leon County Community Development Department
Development Services Division
3401 West Tharpe Street
Tallahassee, Florida 32303

Re: Leon County Development Review
Project: Westminster Oaks PUD
Review of May 7, 2003

Dear Sirs:

I am the President of the Hillwood Homeowners Association, a neighborhood of 30 homes that are adjacent to the property that is planned for development by Westminster Oaks. My membership asked me to convey to you the Declaration of Covenants that constitutes the agreement, that runs with the land, between Westminster Oaks and the Hillwood Homeowners Association properties. It specifically addresses the 14.3 acre parcel on our northern boundary.

You will note that this covenant was properly executed and recorded in accordance with property laws to ensure that the promises made are enforceable. We provide it for your information and also as citizens to ask your assistance in ensuring that the demands you place on Westminster Oaks will be consistent with the terms agreed to by our two entities during review of the PUD application.

We are disappointed that Westminster Oaks has not kept its promise to restore foliage from the development it did adjacent to our westerly homes. They planted foliage to meet the requirements for that expansion, but allowed the foliage to die. They agreed during our negotiations to restore it to provide a barrier to parking lot a building light flooding our area all night long, but have, to date, done nothing. That matter needs to be considered as well as the promise set forth in the covenant.

Thank you for your attention to this matter.

Sincerely,



Marilyn K. Morris

Attachment

DECLARATION OF COVENANTS

Presbyterian Retirement Communities, Inc., called Declarant, is the owner in fee simple of certain real property located in Leon County, Florida and known by parcel tax I.D. number 11-14-20-413-0000, 14.3 acres more or less, fronting Miccosukee Road, which property is proposed as an addition to Declarant's existing adjoining PUD. The parcel or tract will be referred to herein as the 14.3 acre parcel.

For the purpose of enhancing and protecting the value, attractiveness and desirability of the tracts constituting such PUD, Declarant states that all of the subject 14.3 acre parcel of real property described above and each part thereof shall be held, sold, and conveyed on subject to the following easements, covenants, conditions, and restrictions, which shall constitute covenants running with the land and shall be binding on all parties having any right, title, or interest in the above described property or any part thereof, their heirs, successors, and assigns, and shall inure to the benefit of each owner thereof, and also shall inure to the benefit of the Hillwood Homeowners' Association, Inc., or its successor, a corporation organized under sections 617.301 et. seq., Florida Statutes, to represent the collective interests of the Hillwood Subdivision, called Hillwood, a single-family residential neighborhood that borders the 14.3 acre parcel. Declarant acknowledges the sufficiency of Hillwood's consideration for its beneficial interest in these covenants including Hillwood's support for the necessary rezoning of the 14.3 acre parcel from "Residential Protection" to Mixed Use-A/PUD zoning.

Article I **Development Standards and Buffers** **for Protection of Adjacent Single Family** **Residential Areas**

The following standards and buffers for protection of single-family residential areas that are adjacent to the 14.3 acre parcel shall be applied to any and all future development of the 14.3 acre parcel and shall be incorporated as conditions to all planned unit development ("PUD") applications covering the subject property:

- ✓ 1. Setbacks - Instead of the normal 25-foot building setback, a building setback of at least 200 feet and parking and roadway setback of at least 125 feet will be provided along all property lines of the 14.3 acre parcel that abut the Hillwood Subdivision. A 200-foot building setback will be provided along Miccosukee Road.
- ✓ 2. Building Height - Building height will be no greater than 50 feet at the building roof peak and buildings will not be greater than four (4) stories in height.
3. Buffers/Ground Covers/Additional Plantings - Additional plantings will be made along the eastern portion of the development between the proposed stormwater facility and the structures. Also, additional plantings will be completed around the proposed stormwater facility as a buffer. These plantings will consist of trees and shrubs. Declarant will seek to utilize the southern buffer as its required natural area and, as a result, the underbrush and shrubs will be preserved and maintained. Underbrush will not be cleared within the buffer areas to maximize the protection of the existing viewshed. Plantings will be watered and maintained until established to prevent die-back or will be replaced as needed.

NO REF

- ✓ 4. Berms - Berms will be constructed on the outer portion of any parking areas or access drives facing the Hillwood Subdivision so as to limit light encroachment to the area. In addition, these berms will be landscaped with additional plantings including shrubs and/or trees to further buffer the parking areas.
- ✓ 5. Parking Areas - There will be no parking area constructed on the eastern side of the development directly facing the eastern property line.
- ✓ 6. Lighting will be provided that minimizes the amount of light that projects onto the adjacent property. This will be accomplished by using low-level lighting in some cases, or lighting that utilizes low glare bulbs or that shines away from the direction of the adjacent neighborhood. Wherever possible, recessed lighting will be used at entry ways instead of using external fixtures. No floodlights will be used on the corners of buildings except that which is required by code.
- ✓ 7. Fencing - If fencing is installed, it will be similar to fencing previously installed by Westminster Oaks. Currently, a six (6) foot, green vinyl-coated chain-link fence is used. This will continue to be used in future phases of development unless a higher quality style is desired by Declarant (i.e. brick etc.).
- ✓ 8. Stormwater - A stormwater facility will be constructed in the center of the eastern side of the property (adjacent to the Hillwood's holding pond). This facility will be in accordance with Leon County standards and guidelines. After construction of the development, there will be no increase in stormwater runoff to Hillwood.
- ✓ 9. Advance Clearing - There will be no advanced clearing of the property. This is in keeping with the goals of Declarant to preserve trees whenever possible. Trees will not be removed when and where phased development requires.
- ✓ 10. Phasing and Timing - It is expected that the subject parcel will be phased so that the westernmost easternmost portion of the 14.3 acre property will be constructed in approximately two to five or more years. The easternmost portion of the property may be developed as far out as 10 or more years.
- ✓ 11. Declarant shall give Hillwood advance notice of any and all proposed changes to its development plans that will require modification or variance from these conditions, in writing, within a reasonable time after which the need for seeking such modifications or variances becomes known to Declarant.
- N/A 12. In the event that the Leon County/City of Tallahassee Commissions or local permitting authorities require changes, deletions, or modifications to the stated conditions, as may be mutually agreed upon by all parties, such determinations by these authorities shall take precedent over the conditions stated herein.

Article II.

Enforcement of Restrictions

The restrictions set forth herein shall run with the land and bind the parties and their successors and assigns, and all parties claiming by, through or under the parties, shall be taken to hold, agree and covenant with the parties, their successors and assigns and with each of them to conform to and observe the restrictions as to the use of the lots and the construction of improvements thereon, but no restrictions herein shall be personally binding on any corporation, person or persons except in respect to breaches committed during its, his or her, or their seizing of the title of the land,

BOB INZER, CLERK OF COURTS

and the owner or owners of any of the above land or Hillwood shall have the right to sue for and obtain an injunction, prohibitive or mandatory, to prevent the breach of or to enforce the observance of the restrictions, and failure of the parties or owner or owners of any other lot or lots shown on the PUD site plan enforce any of the restrictions herein set forth at the time of its violation shall in no event, be deemed to be a waiver of a right to do so thereafter.

Article III.
Duration

All of the restrictions and covenants set forth herein shall continue and be binding on the parties and their successors and assigns for a period of fifteen years from the date this instrument is filed for recording in the County of Leon, Florida. However, this Declaration of Covenants shall be terminated by the occurrence of one of the following events:

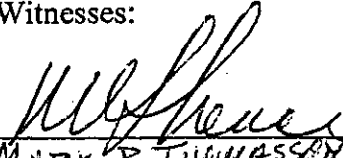
1. Final governmental approval of the Declarant's PUD rezoning for the 14.3 acre parcel is issued with conditions upon site development that include all of the restrictions listed in Article I above; or
2. Inability of the Declarant to secure final governmental approval of the PUD rezoning for the 14.3 acre parcel for the Declarant's proposed future development within two years from the date Declarant submits its PUD application.

Article IV.
Partial Invalidation

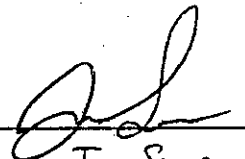
Invalidation of any of these covenants or restrictions by judgment or court order shall in no way effect any of the other provisions, which shall remain in full force and effect.

Executed at Tallahassee, Florida on this 11th day of December 2000.

Witnesses:

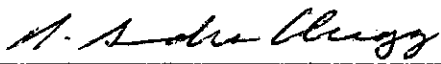


MARK P. THOMASON



Jon Sewell

Presbyterian Retirement Communities Inc.

By: 

H. SANDRA HUGG

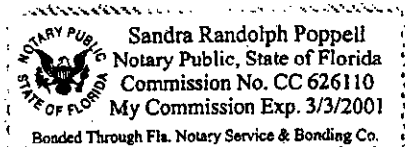
Its: ADMINISTRATOR

STATE OF FLORIDA
COUNTY OF LEON

PUB
BK
A
BOS

The foregoing instrument was acknowledged before me this 11th day of December 2000,
by H. SANDRA NUGG, personally known to me or who has produced _____
_____ as identification.

Sandra Randolph Poppell
(Print Notary Name & Commission No. and Expiration Date)



Witnesses:

[Signature]
J. Stanley Chapman

[Signature]
Marilyn Morris

Hillwood Homeowners Association, Inc.

By:

[Signature]
Kevin T. Langston

Its:

President

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 3rd day of August 2001,
by Kevin Langston, personally known to me or who has produced FL
Driver's License as identification.

Carol M. Hart
(Print Notary Name & Commission No. and Expiration Date)



Carol M. Hart
MY COMMISSION # CC729112 EXPIRES
July 28, 2002
BONDED THRU TROY FAIR INSURANCE, INC.

03-Mar-2001 (850)577-4030 03:08 P
BOB INZER
LEON COUNTY CIRCUIT COURT CLERK
301 SOUTH MONROE STREET
TALLAHASSEE, FLORIDA 32301
RECEIPT NO. 786483 CLERK: CER
FILING DATE: 03/03/2001 TIME: 03:08 P
CUSTOMER NAME:
MARILYN MORRIS
RETURNED

TOTAL FOR THIS RECEIPT \$		19.50
CASH \$	0.00	
CHECK \$	19.50	CHECK # 221
CHARGE \$	0.00	CHG ACT
REFUND \$	0.00	
Instrument Code	Vol	Page
R20010059541 RES	R2556	9123
RECORDING		19.50
STAMP TAX		0.00
INTANGIBLE TAX		0.00
TOTAL		19.50

The Florida Land Use and Environmental Dispute Resolution Act provides an opportunity for an owner of property who believes that a development order Per Chapter 163.3164, Florida Statutes, is unreasonable or unfairly burdens the use of his real property to apply for a special master proceeding. Owners of real property contiguous to the site will be provided a copy of any such request for a special master proceeding filed with the Planning Department. Any substantially affected party who submits oral or written testimony of a substantive nature which states with particularity objections to or support for any development order at issue may also receive a copy of any request filed under the Florida Land Use and Environmental Dispute Resolution Act by filing a written request for such copy with Wayne Tedder, Land Use Supervisor, Planning Department, City Hall, 300 South Adams Street, Tallahassee, Florida 32301.

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least forty-eight (48) hours (excluding weekends and holidays) prior to the hearing. The phone number for the Planning Department is (850) 891-8600. The phone number for the Florida Relay TDD Service is 1-800-955-8771.

The form below is for your convenience and may be returned to Adam Antony Biblo at the Tallahassee-Leon County Planning Department, City Hall, 300 South Adams Street, Tallahassee, Florida 32301; Telephone 891-8600; Fax 891-8734. We would appreciate receiving any information which would be useful to the Development Review Committee, the Planning Commission and, the Leon County Board of County Commissioners in their deliberations on this rezoning application.

PLANNING DEPARTMENT

I/We as owner(s) of Lot 728, Block _____ of the _____ (subdivision) Emerald Chase
or street address: 3976 Emerald Chase wish the following information to be considered by the

Planning Commission and/or Board of County Commissioners: It is bothering to read Westminster Oaks
is blatantly ignoring human relations ordinances on discrimination.
It should oppose expansion that causes further growth in the
one in compliance.
Summary of Zoning Districts

SIGNATURE: [Signature] Paul PG

From: RC-1 Single Family Detached Residential

Allowed uses include single family detached dwellings, passive and active recreation and community facilities.

and
RP Residential Preservation

Allowed uses include low density residential, community services, passive and active recreation.

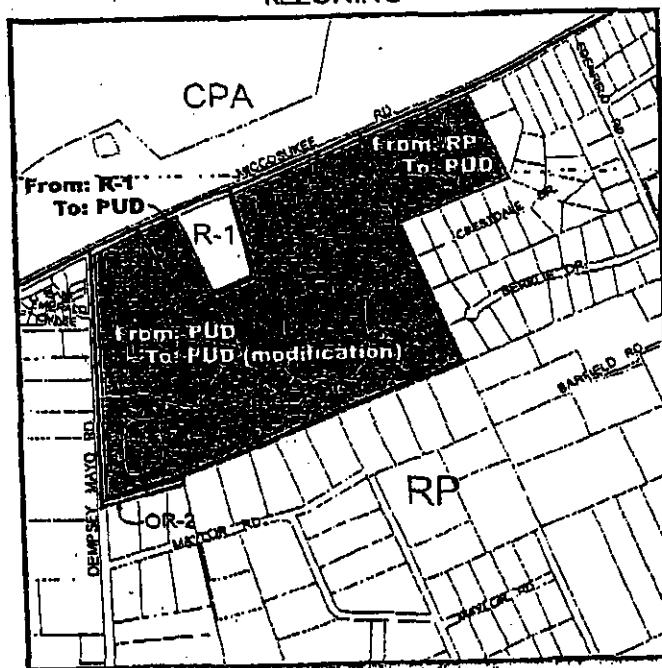
To: Planned Unit Development

This zoning district recognizes developments which have been approved through the Planned Unit Development process. PUDs allow uses and establish development standards unique to each PUD.

General Location Map

WESTMINSTER OAKS PUD
REZONING

RZ #370



RECEIVED

MAY 06 2003

Growth and Environmental Management
Development Review

4:15 PM

Leon County Development Department
Development Services Division
3401 West Tharpe Street
Tallahassee, FL 32303

I/We as owners of Lot _____, Block _____, of the

Or at the following street address: 2104 Crestdale Dr.

Wish the following information to be considered by the Leon County Development
Review Committee:

We are concerned about our privacy and the issuance of light onto our property.
Although a natural border will be required between the proposed development and our
property, we feel that this is insufficient to keep someone looking out a three or four story
building down into our back yard or keep unwanted light from our yard. This would
especially be true in the winter when the trees lose their leaves. We would expect that
single family residential would be build adjacent to our property. However, if a multi-unit
structure is required, then limit the building to two stories. In addition, place the lighted
parking between the buildings so that the building would block the light from our
neighborhood.


George Paul Hiers

Project Name: Westminter Oaks PUD
DRC Review: Wednesday, May 7, 2003 @ 10:00 am

RECEIVED
MAY 09 2003
BY G. J. J. J.

Est 11-00635

Leon County Community Development Department, Development Services Division:

I/We as owner(s) of Lot _____, Block _____, of the _____

or at the following street address: 807 Taylor St.

wish the following information to be considered by the Leon County Development Review Committee:

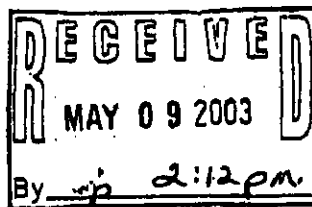
I, Benjamin Wheeler, a son of the property owners I need more time and understanding of this matter, please my attorney is absent for this matter, will be glad to confer; I am most appreciated for your patience Thank You.

(Signature)

Post-It® Fax Note	7671	Date	5/23	# of pages	1
To	Tom Dibo		From		
Co./Dept.			Co.		
Phone #			Phone #		
Fax #	891-8734		Fax #		

Project Name: Westminster Oaks PUD

DRC Review: Wednesday, May 7, 2003 @ 10:00 a.m.





**Tallahassee Memorial
Emergency Medical Services**

Tallahassee Memorial HealthCare

**Attachment #5
Page 1 of 1**

October 17, 2000

John W. Barr
1427 Spruce Avenue
Tallahassee, Florida 32303

Dear Mr. Barr,

First of all, I would like to thank you and Westminster Oaks for including me in the Westminster Oaks access road planning process.

The Emergency Medical Services Department (EMS) at Tallahassee Memorial Hospital responded to Westminster Oaks 106 times during the past twelve months. During this time period, utilization of a single access road to your facility has proven to be acceptable. I am concerned about having all of your eggs in one basket, so to speak. Not having access to your facility due to a fallen tree on Meandering Way is a real possibility. The weather patterns that we are subject to have a history of creating road obstruction opportunities. In medical emergencies, time is a critical factor. If EMS is limited to only one entrance and it was blocked, there could be serious consequences for the patient. As a component of your emergency operations plan, I would highly recommend you develop a second entrance to the facility. A second entrance would mitigate any future access issues to the facility. In my opinion, the easternmost roadway designated as "existing driveway" on your map would be the most useful to EMS. This access provides the quickest access to the Perry Building from Miccosukee Road.

I hope my comments are helpful. If you have any more questions, please feel free to call me at 431-5554.

Sincerely,

Robert Bailey
Director EMS, Tallahassee Memorial Hospital

CARLTON FIELDS

ATTORNEYS AT LAW

215 SOUTH MONROE STREET, SUITE 500
TALLAHASSEE, FLORIDA 32301-1866
TEL (850) 224-1585 FAX (850) 222-0398

MAILING ADDRESS:
POST OFFICE DRAWER 190
TALLAHASSEE, FL 32302-0190

July 17, 2003

Wayne Tedder, Land Use Supervisor
Tallahassee-Leon County Planning Department
300 South Adams Street
Tallahassee, Florida 32301

Via Hand Delivery

Re: Westminster Oaks/Emergency Access/Canopy Roads Advisory Committee

Dear Wayne:

Attached are eight copies of information packets relating to the Canopy Roads Advisory Committee's recommendation on emergency access. The packets contain new information, including the fact that no fire trucks will use the access, only ambulances. We have consulted with Bobby Bailey, Director of Emergency Medical Services for Tallahassee Memorial Hospital. He requires a 12-foot paved surface and a touchpad controlled gate (he says siren activated gates don't work as well).

I have only recently gotten involved in the emergency access part of this project and it is quite confusing, probably more so if you had to live it every day. As a consequence, I have gone back and had transcripts prepared for all the meetings. At the DRC, you pointed to the map but there is no indication on the tape at all which access you were recommending. In discussing it with you later, you said the access you picked was Entrance #1 on the attached aerial photo. We all now know that there are problems with sight distance at that access and, just as importantly, it does not provide any more emergency access than the existing Dempsey Mayo entrance provides because of the way the project is laid out. If there is a storm or catastrophic event causing a tree to go down on the entrance from Dempsey Mayo, the developed portion of the property is completely cut off. That, I assume, is the reason for the letter from the TMH ambulance provider about needing a separate emergency access off of Miccosukee.

Later, when the Canopy Roads Advisory Committee first took up the issue, it actually selected the same access point although, in its most recent meeting, it mistakenly said it had selected Entrance #4 which is what we call the old farm road and not really an entrance.

Wayne Tedder
Tallahassee-Leon County Planning Department
July 17, 2003
Page 2

When we met with Val and looked at photos of the various entrances taken from the Miccosukee centerline, we all selected the construction entrance, Entrance #2, which would be acceptable to the Westminster Oaks owners. Unfortunately, there is a serious sight stopping distance issue with this access and, in fact, unless we use flagmen for construction activities, it is likely we will have to move the construction access also because of liability.

That then leaves us Entrances #3 and #4. What you and the various committees that heard this before were unaware of was that Entrance #3 is an existing paved access to a house that will remain occupied for some time, possibly over ten years. This access, while it may be gated, must remain available to the house's tenants. We have determined that even if this access is widened slightly to provide the optimal 12-foot paved surface for ambulances and accessible by a touchpad activated gated, the banks where this access intersects with Miccosukee will not have to be touched and the clearing within the Canopy Protection Zone is less than in any of the other existing accesses.

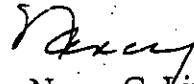
Finally, the attached document reflects our concern about use of Entrance #4 as depicted on the attached aerial. It is not really an entrance but is simply a slight access point off Miccosukee. A tractor could not go from that access point into the site without taking down lots of trees. The owners of Westminster entered into a Declarations of Covenants and Restrictions with the adjoining Hillwood Homeowners' Association in 2000. This agreement does not allow premature clearing or work in property abutting Hillwood until construction moves into this phase of development. The Homeowners' Association expected it would be at least five years. In fact, it will be more likely 10 at the present time and, thus, if we were to construct a 12-foot road requiring clearing of 1 acre, a stormwater pond would also be necessary and that involves a second acre of clearing. Stormwater from clearing and paving of the other access roads could be accommodated in existing facilities.

Based on the attached information, I would recommend the Carney Entrance which is Entrance #3. We apologize for the confusion which we have helped cause by not getting this information to you and the various committees in an appropriate manner and timely fashion. We hope this will resolve the issue.

Wayne Tedder
Tallahassee-Leon County Planning Department
July 17, 2003
Page 3

I will attend the meeting with Jon Sewell from Kimley-Horn who knows the project much better than I in order to be able to answer questions and make a presentation if necessary.

Sincerely,


Nancy G. Linnan

NGL/tmw

Attachments

Cc: Tony Biblo
Carlos Connerly
Bill Worrell
Jon Sewell
David Muntean/Richard Barr

WESTMINSTER OAKS PUD/MICCOSUKEE ROAD EMERGENCY ACCESS

There are four potential emergency accesses to the Westminster Oaks PUD. Three are existing driveways. The pro's and con's of each will be discussed below and recapped at the end of each discussion.

Additionally, attached is an aerial photo locating and numbering the potential accesses to correspond to the list below and a schematic of the improvements required to the owner's preferred access.

ENTRANCE 1 – MOON PROPERTY (4.2-ACRE PARCEL)

This entrance is nearest to Dempsey Mayo Road. The eastbound sight distance analysis shows a required stopping sight distance of 510 feet; the actual distance at this location is only 300. Therefore, there is inadequate stopping sight distance due to heavy foliage and existing trees. There is, however, adequate stopping sight distance for cars that are westbound.

This is the narrowest existing access. According to Bobby Bailey, Director of Emergency Medical Services for Tallahassee Memorial Hospital, access needs to be 12' wide and paved. Additional acres needing to be cleared for this potential emergency access would be .35 with .005 additional acres cleared within the Canopy Protection Zone.

The driveway would have to cut through the center of a planned duplex development.

Most importantly, this driveway provides no better access to the central and eastern portion of the property than does the existing Dempsey Mayo access. If a tree or large limb goes down on the existing developed area during a storm or other catastrophic event, thereby blocking access, this driveway will not provide additional access. It, therefore, is not suitable to serve as an emergency access because it provides no benefits over the existing Dempsey Mayo access.

Recap:

- Inadequate eastbound stopping sight distance; adequate westbound stopping sight distance
- .005 additional acres cleared in 100' zone, along with 1/8 acre of underbrush
- additional .35 acres cleared to construct
- would run through planned duplex development
- provides no additional emergency service benefits over existing Dempsey Mayo access.

ENTRANCE 2 – EXISTING CONSTRUCTION ENTRANCE

This is the widest existing access at Miccosukee Road. It is not paved. In terms of eastbound stopping sight distance which is required at 425 feet, the actual sight distance is only 200 feet. Accordingly, there is inadequate stopping sight distance due to a large oak tree. Westbound meets requirements.

Because this property is acceptable to the developer of Westminster to use as an emergency access and because no incidents have been reported while used for construction access, Dave Muntean, a Kimley-Horn transportation engineer, was consulted about whether there were any mitigating mechanisms that could be put in place in order to be able to use this access. Muntean says the mechanisms available are flagmen or convex mirrors on trees but even the latter frequently distort views and simply do not perform well. Plus, it is highly unlikely ambulances would be accomplished by flagmen. Accordingly, he not only says there is a serious sight distance liability in use of this location unless the big tree is removed, but also recommends that the construction entrance be moved (unless we use flagmen) to whichever access is chosen for emergencies because, now we know there is a sight distance problem, serious liability could attach.

If emergency access will be by ambulance only, the access would be improved to 12-feet and paved. Up to an additional .40 acres of forest would have to be cleared for this emergency access with .03 acres within the Canopy Protection Zone.

Recap:

- inadequate eastbound stopping sight distance; westbound adequate
- .03 acres of additional clearing in protection zone
- .40 acres of additional clearing

ENTRANCE 3 – CARNEY PROPERTY (14.3-ACRE PARCEL)

This is an existing paved driveway that leads to a single-family residence. There is adequate stopping sight distance in both directions. Eastbound, it is 680 feet with a requirement of 510. Westbound, it is 1000 feet with a requirement of 383. This access could be improved to a 12-foot access with no cutting into the banks.

Another piece of information that is important to this decision is that the Carney property contains an existing single-family residence. The house will continue to be occupied by tenants until Westminster Oaks begins work on this parcel which will be no sooner than five years. Because this fact was not previously been brought to the attention of the Planning Department, new language will now be added to the PUD modification allowing the use to remain until development per the PUD. Accordingly, this 10-foot driveway which is paved all the way to the house will need to remain open to those who live in the house. It is currently gated but access must be provided to the tenants in addition to any emergency service personnel. If touch pad activated access is required for ambulances (the strong preference of Bobby Bailey), the tenants will have to be provided some sort of electronic access.

This existing paved driveway is 10-feet wide. Assuming ambulance access only, it will have to be expanded to 12 feet. This can be accomplished without cutting into banks or impacting trees within the Canopy Protection Zone where only .003 additional acres will be cleared. Overall, an additional .53 acres will have to be cleared for this access to connect to the existing roadway system. Shortly after its intersection with Miccosukee, the bank disappears so

there is no further threat to it. The proposed access has been relocated on the conceptual plan so that it does not go straight through the forest but rather moves back over the track of the existing driveway to minimize clearing.

This access may be used by construction vehicles without any impact to the existing banks.

The gate needs to be placed 50 feet from Miccosukee so emergency service vehicles may pull in.

Recap:

- existing driveway will remain open to tenants for years; needs to be widened 2 feet but will not affect banks
- sufficient sight stopping distance in both directions
- maximum .003 additional acres to be cleared in Canopy Protection Zone
- .53 additional acres to be cleared

ENTRANCE 4 – OLD FARM ENTRANCE

This is actually not a driveway. It may have been where a tractor pulled off some time ago (and there is a very short drive over the ditch with a drainpipe beneath) but there is not a path back into the woods other than a break in the trees at Miccosukee Road.

In terms of stopping sight distance, the required eastbound distance is 574 feet and the actual distance is 515 feet, resulting in a slightly inadequate stopping sight distance due to light foliage. Trimming back the foliage would attain appropriate sight distance. Adequate stopping sight distance is available westbound. The access point at Miccosukee would have to be improved to 12 feet and the roadway paved with the addition of a stormwater pond. The roadway would have to be carefully located due to slope issues.

However, there are other problems with this area that have not been communicated. There is an existing Declaration of Covenants between Presbyterian Retirement Communities, Inc., and the Hillwood Homeowners' Association executed in 2000. Use of Entrance #4 will likely violate that Declaration.

Declaration Item Number 9 requires no advance clearing of the property and says trees will not be removed until when and where phased development requires. Additionally, Declaration Item Number 10 dealing with phasing and timing states as follows: "[i]t is expected that the subject parcel will be phased so that the westernmost-easternmost portion of the 14.3-acre property will be constructed in approximately 2-5 or more years. The easternmost portion of the property may be developed as far out as 10 or more years." Actually, at the time that was written, which was 2000, the Westminster construction schedule was much more aggressive due to a different economy. Now it is slowed down even more. However, even then there was an expectation by adjoining property owners that there would be no development in that area of the property closest to their homes for some period of time and not until the development phase so requires.

If the old farm entrance is used as an emergency access, it will require premature clearing of approximately 2 acres of property prior to any phased development. Of those, a maximum of .03 will be in the Protection Zone. Development of the actual construction phase for this property could be well beyond 10 years. Additionally, a road does not exist at the present time and, clearing for it will require 1 acre of roadway clearing and a .067-acre stormwater pond (an additional 1-acre of clearing) which is adjacent to the homeowners on the "westernmost portion of the easternmost" property referred to in the documents. This area is the most heavily treed of any of the areas on site and any clearing will involve removal of major trees and a careful skirting of existing slopes.

Recap:

- slightly inadequate eastbound site stopping distance (could be fixed with minor vegetative clearance); okay westbound
- will put Westminster Oaks in violation of Declaration with Hillwood Homeowners' Association
- 2 acres of clearing required; one acre of paving
- .03 acres of clearing in Protection Zone, along with 1/8 acre of underbrush

ENTRANCE #2
EXISTING CONSTRUCTION ENTRANCE
(AND CONSTRUCTION ROAD NOT PAVED)

ENTRANCE #3
14.1 ACRE PARCEL DRIVEWAY
(PROPOSED CONNECTION)

ENTRANCE #1
OLDFARM ENTRANCE

ENTRANCE #1
4.2 ACRE ENTRANCE

MCCORMICK POND

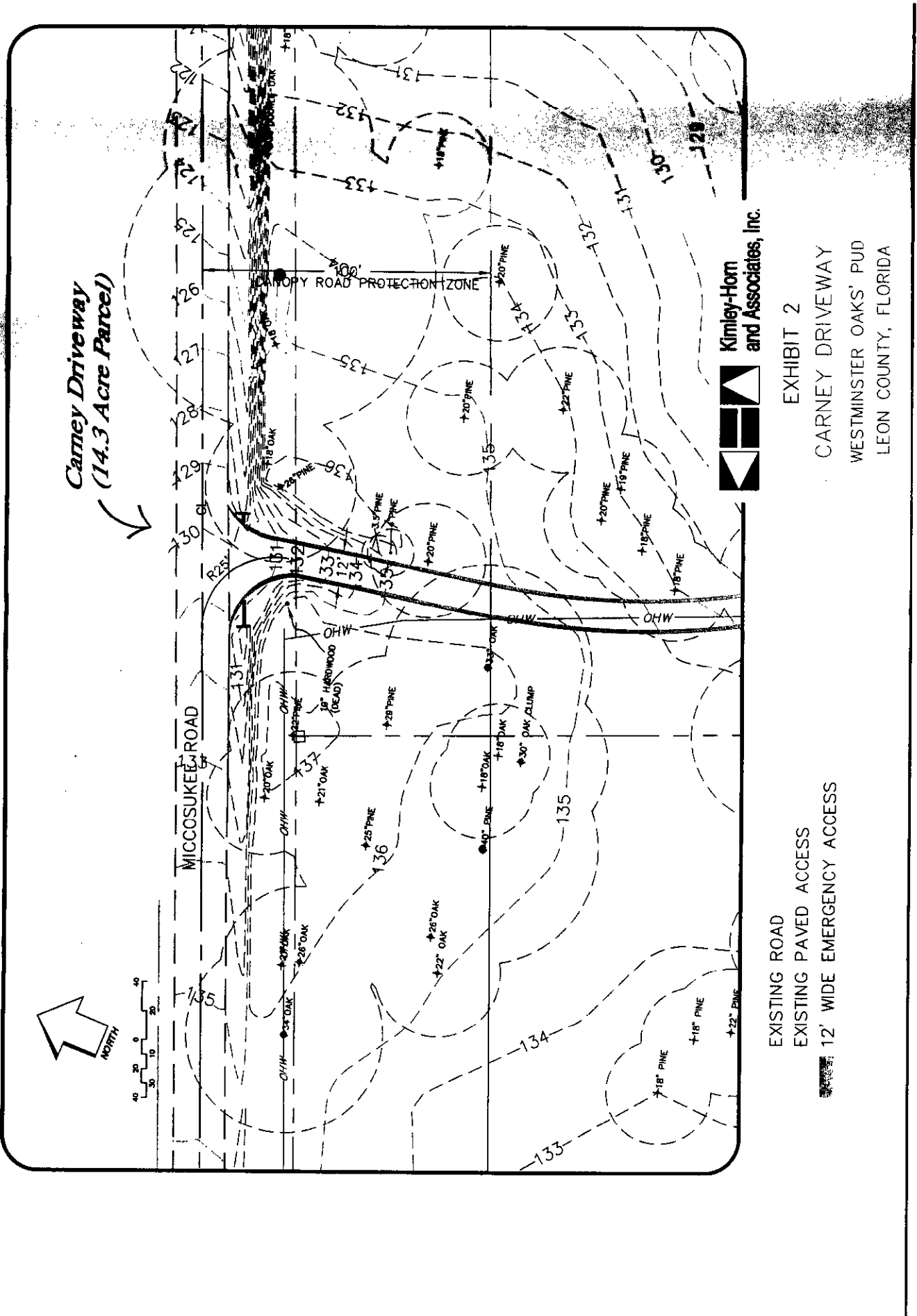
SWMF
0.67 AC.



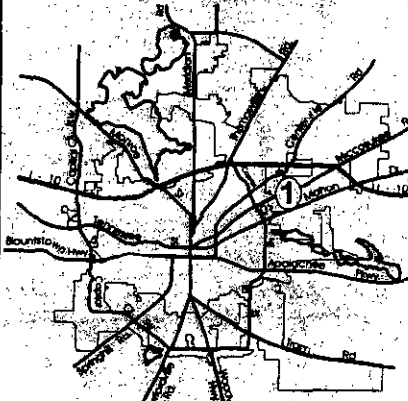
EXHIBIT #1

AERIAL PHOTOGRAPHS
TALLAHASSEE, FL

LEGEND
--- DENOTES EXISTING
— DENOTES PROPOSED



PUBLIC HEARING
Leon County Board of
County Commissioners
August 26, 2003 - 6:00 p.m.
County Commission Chambers
Fifth Floor - Leon County Courthouse



**GENERAL LOCATION MAP
REZONING**

1. Applicant Name: Westminster Oaks PUD
(RZ# 370)

From: RP Residential Preservation
R-1 Single Family Detached
PUD Planned Unit Development

To: PUD Planned Unit Development
(with Concept Plan Amendment)

Acres: 114.86 acres

Parcel ID #: 11-14-20-413.602 & 604-0000
11-14-18-0002

*These properties are located at the
southeast corner of Moccasin Road
and Dempsey Mayo Road.*

The Board of County Commissioners proposes to adopt ordinances changing the zoning on the property indicated on the above map which lies in unincorporated Leon County. The applications are on file at the Tallahassee-Leon County Planning Department, 4th floor, City Hall and may be reviewed between 8:00 A.M. and 5:00 P.M. For further information please call 891-8600.

You are hereby notified in accordance with Chapter 286.0105, Florida Statutes, should you decide to appeal any decision made by the County Commission or take exception to any findings of fact with respect to any matter considered at the hearing referred to above, you may need to ensure that verbatim record of the proceedings is made. Such a record shall include the testimony and evidence upon which the appeal is to be based.

In accordance with Section 285.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact Christine Coble or Facilities Management, 301 South Monroe Street, Tallahassee, Florida 32301, by written request at least 48 hours prior to the proceeding. Telephone: 488-9962 or 488-1948; 1-800-955-8771 (TDD), or 1-800-955-8770 (Voice), via Florida Relay Service.

C0082603

AUGUST 16, 2003